

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3658 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K C HOTLANI

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR AS SUPEHIA for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/02/98

ORAL JUDGMENT

The petitioner, a Sub Treasury Officer of the Government of Gujarat, filed this Special Civil Application before this Court and prayer made therein are as under:

- (A) quashing and setting aside the adverse remarks against the petitioner for the

period from 1.4.1982 to 12.10.1982.

(B) in the alternative, respondent Nos.4 and 5 may be directed to ignore the adverse remarks against the petitioner for the period from 1.4.1982 to 12.10.1982 at the time of considering the case of the petitioner for promotion to class II post.

(C) to quash and set aside the decision of the State Government while rejecting the representation of the petitioner in respect of the adverse remarks against the petitioner for the period in question.

(D) during the pendency and final disposal of this petition, the respondent No.4 and 5 may be restrained from taking into consideration the adverse remarks against the petitioner for the period from 1.4.1982 to 12.10.1982 while considering his case for promotion to class II post.

2. While admitting this petition, this Court has granted interim relief in favour of the petitioner in terms of para-16(D). So the respondents No.4 and 5 were restrained by this Court from taking into consideration the adverse remarks against the petitioner for the period from 1.4.1982 to 12.10.1982 while considering his case for promotion to class II post. This matter pertains to the year 1986 and the learned counsel for the petitioner is unable to state whether any grievance of the petitioner still survives. In view of the interim order which has been passed by this Court, the petitioner's case for promotion would have been considered excluding the adverse remarks for the period aforesaid and as such, now after so many years, nothing substantial survives in the petition. Otherwise also, if we go by the adverse remarks given to the petitioner as contained in annexure 'A', they are not of serious nature and the same do not pertain to integrity of the petitioner or his conduct. These seem to be relating to lack of some proper supervision over subordinate staff. Taking into consideration this fact, otherwise also, no useful purpose will be served to decide this matter on merits.

3. In the result, this Special Civil Application is dismissed as having become infructuous. Rule discharged. Interim relief granted by this Court stands vacated.

However, it is made clear that whatever action taken in pursuance of the interim relief granted by this Court, and the consequential benefits received by the petitioner including promotion, will not be in any manner affected by dismissal of this Special Civil Application. No order as to costs.

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(sunil)